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10/658,086	09/09/2003	Shiro Majima	09868/000M893-US0	1394
7278	7590	09/25/2009	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			WILLIAMS, ROSS A	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/658,086	<b>Applicant(s)</b> MAJIMA ET AL.	
	<b>Examiner</b> ROSS A. WILLIAMS	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/28/09.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15-23, 31-39, 49, 50 and 54-56 is/are pending in the application.
- 4a) Of the above claim(s) 9-14, 41-48 and 51-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-23, 31-39, 49, 50 and 54-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I in the reply filed on 11/18/2008 is acknowledged. The traversal is on the ground(s) that there would be no undue burden of search upon the Examiner due to the fact that both groups were already searched at least twice and that they can be classified in the same class and subclass. The Applicant further states "Additionally, the subject matter is not divergent or raises separate issues based on the above." This is not found persuasive because while the claims have indeed been previously examined and can be classified in the same subclass, Group II clearly contains inventive features that are not found in Group I.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-7, 15-23, 31-39, 49, 50 and 54-56 are rejected under 35**

**U.S.C. 102(e) as being anticipated by Gomez (US 7,144,322).**

As per claim 1, Gomez discloses:

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a reel display module having plurality of reels and providing a changing display state of a plurality of types of symbols in a plurality of regions, the changing display state showing a spinning of the plurality of reels, and a static display state of said changingly displayed symbols in said regions, at least one of said symbols being a special symbol; (Gomez teaches a slot machine that implements a symbol drop down game wherein the video display shows a typical 5x5 reel type game wherein the reels (i.e. columns), constantly change, (i.e. spin) and are updated with new symbols to provide a changing display state. The display also provides a static display state that is provided before the reels are evaluated for matches) (7:24 - 37)

a measuring module measuring a count that is a number of times said special symbol in each of said reels of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48);

a game points determining module determining game points to be awarded to a player based on said measured count; (10:37 – 48) and

count display modules, each of which correspondingly display said count for one of said plurality of said reels, said count being measured by said measuring module in association with each of said plurality of regions (10:37 – 48, Fig 5);.

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As per claim 2, further comprising a selection module selecting at least one of said symbols to be changed to said special symbol (10:49 – 65).

As per claim 3, wherein said game points determining module calculates said game points to be awarded to said player using said measured count as one variable (10:31 – 48).

As per claim 4, wherein said one variable is a sum of a plurality of said measured counts, each of said measured counts being a number of times said special symbol is displayed in one of said regions (10:31 – 48).

As per claim 5, wherein said game points determining module determines said game points to be awarded to said player by using said measured count to look up a table set up ahead of time to associate said count and said game points to be awarded (10:31 – 48).

As per claim 6, a special region in said reel display module; and said count being a number of times said special symbol is displayed in said special region in at least said changing display state (10:37 – 48).

As per claim 7, wherein said special region is a payline in said reel display module (the 5x5 matrix has pay lines that are determined by where the matching symbols are located, either vertically or horizontally).

As per claim 15, further comprising a special region determination module determining, through random selection, a position for said special region in said reel display module; wherein said randomly selected special region is displayed in said reel

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display module (the symbols that fall into the open spots are randomly determined as are the regions that are previously vacated by the randomly matching symbols).

As per claim 16, wherein said special region determining module determines said special region through random selection when said special symbol is displayed in said changing display state (the symbols that fall into the open spots are randomly determined as are the regions that are previously vacated by the randomly matching symbols).

As per claim 17,

a reel display module having plurality of reels and providing a changing display state of a plurality of types of symbols in a plurality of regions, the changing display state showing a spinning of the plurality of reels, and a static display state of said changingly displayed symbols in said regions, at least one of said symbols being a special symbol; (Gomez teaches a slot machine that implements a symbol drop down game wherein the video display shows a typical 5x5 reel type game wherein the reels (i.e. columns), constantly change, (i.e. spin) and are updated with new symbols to provide a changing display state. The display also provides a static display state that is provided before the reels are evaluated for matches) (7:24 - 37)

a storage module storing a count that is a number of times said special symbol of each of said reels of said reel display module passes through at least one of said regions while the reel display module is in the changing display state

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showing the spinning of the reels; (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48);

a game points determining module determining game points to be awarded to a player based on said stored count; (10:37 – 48) and

count display modules, each of which correspondingly displaying said count for each of said reels, said count being stored by said storage module in association with each of said plurality of regions. (10:37 – 48, Fig 5).

As per claim 18, further comprising a selection module selecting at least one of said symbols to be changed to said special symbol (10:49 – 65).

As per claim 19, wherein said game points determining module calculates said game points to be awarded to said player using said stored count as one variable (10:31 – 48).

As per claim 20, wherein said one variable is a sum of a plurality of said stored counts, each of said stored counts being a number of times said special symbol is displayed in one of said regions (10:31 – 48).

As per claim 21, wherein said game points determining module determines said game points to be awarded to said player by using said stored count to look up a table

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set up ahead of time to associate said count and said game points to be awarded (10:31 – 48).

As per claim 22, further comprising: a special region in said reel display module; and said count being a number of times said special symbol is displayed in said special region in at least said changing display state (10:31 – 48).

As per claim 23, wherein said special region is a payline in said reel display module (the 5x5 matrix has pay lines that are determined by where the matching symbols are located, either vertically or horizontally).

As per claim 31, further comprising a special region determination module determining, through random selection, a position for said special region in said reel display module; wherein said randomly selected special region is displayed in said reel display module (the symbols that fall into the open spots are randomly determined as are the regions that are previously vacated by the randomly matching symbols).

As per claim 32, wherein said special region determining module determines said special region through random selection when said special symbol is displayed in said changing display state (the symbols that fall into the open spots are randomly determined as are the regions that are previously vacated by the randomly matching symbols).

As per claim 33,



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providing a changing display state of a plurality of types of symbols in a plurality of regions of a reel display module, the changing display state showing a spinning of a plurality of reels, and a static display state of said changingly displayed symbols in said regions of said reel display module, at least one of said symbols being a special symbol; (Gomez teaches a slot machine that implements a symbol drop down game wherein the video display shows a typical 5x5 reel type game wherein the reels (i.e. columns), constantly change, (i.e. spin) and are updated with new symbols to provide a changing display state. The display also provides a static display state that is provided before the reels are evaluated for matches) (7:24 - 37)

storing a count that is a number of times said special symbol of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels; (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48);

determining game points to be awarded to a player based on said stored count; (10:37 – 48) and

displaying correspondingly to each of reels of said reel display module  
said stored count in association with each of said plurality of regions (10:37 – 48,  
Fig 5).

As per claim 34, further comprising the step of selecting at least one of said  
symbols to be changed to said special symbol (10:49 - 65).

As per claim 35, further comprising the step of calculating said game points to be  
awarded to said player using said stored count as one variable (10:31 – 48).

As per claim 36, wherein said one variable is a sum of a plurality of said stored  
counts, each of said stored counts being a number of times said special symbol is  
displayed in one of said regions (10:31 – 48).

As per claim 37, wherein said game points determining step comprises the step  
of looking up a table set up ahead of time to associate said count and said game points  
to be awarded (10:31 – 48).

As per claim 38, wherein said count is a number of times said special symbol is  
displayed in a special region in said reel display module in at least said changing  
display (10:31 – 48).

As per claim 39, wherein said special region is a payline in said reel display  
module (the 5x5 matrix has pay lines that are determined by where the matching  
symbols are located, either vertically or horizontally).

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As per claim 49, wherein said game points determining module calculates said game points to be awarded to said player using said stored count as one variable (10:31 – 48).

As per claim 50, wherein said game points determining module determines said game points to be awarded to said player by using said stored count to look up a table set up ahead of time to associate said count and said game points to be awarded (10:31 – 48).

As per claim 54, further comprising: a total display module for displaying a total of the counts displayed by the count display modules (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48).

As per claim 55, wherein said game points determining step comprises the steps of: determining a total count as the sum of stored counts for each reel of said reel display module; and multiplying the total count by a total bet (Gomez discloses multipliers that measure the amount of times symbols or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48);

As per claim 56, wherein: counting for said count begins after said special region is determined (Gomez discloses multipliers that measure the amount of times symbols

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or groups of symbols pass through or are displayed in the display regions. Each time a symbol or a group of symbols are displayed and evaluated, the multiplier increments by one (1x) (10:37 – 48).

### ***Response to Arguments***

Applicant's arguments filed 4/28/09 have been fully considered but they are not persuasive.

The Applicant argues that Gomez does not teach *"measuring module measuring a count that is a number of times said special symbol in each of said reels of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels"* (emphasis added). As described in the Specification, this count represents, for example, the number of times the special symbol passes the payline while the reels are spinning. See Specification, p. 16, lines 1-7. Also claimed in claims 6, 7, 22, 23, 38, and 39. It is respectfully submitted that Gomez does not disclose at least this feature of the presently claimed invention."

The Examiner respectfully disagrees and states that as claimed, Gomez does teach a changing display that shows a spinning of the reels and a counting of the symbols while the display is in the changing state (i.e. changing display when symbols randomly drop down from above and are evaluated and then removed from the display screen (i.e. changing/spinning again) and are counted by means of a multiplier count

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mechanism). Thus, as can be seen by the above interpretation, Gomez does indeed anticipate the claimed invention.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROSS A. WILLIAMS whose telephone number is 571-272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ronald Laneau can be reached on 571-272-6784. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. A. W./  
Examiner, Art Unit 3714

/Ronald Laneau/  
Primary Examiner, Art Unit 3714  
09/22/09